IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital: the 21st day of May 2005
Bail application no. 455 of 2005
Order on the bail application of accused

CRIMINAL SIDE

Shamshad S/o Faqira
R/o Berkhera Pandey
P.S. Kashipur
District Udham Singh Nagar .....Applicant

Versus

State of Uttaranchal .....Opposite Party

Arising out of Case Crime No. 104 of 2005
Under Sections 302, 201 and 364 of I.P.C.
P.S. Kashipur
District Udham Singh Nagar

By the court

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in case crime No. 104 of 2005 Under Sections 302, 201 and 364 of I.P.C. registered at P.S. Kashipur, District Udham Singh Nagar.

Heard Smt. Pushpa Joshi, learned counsel for the applicant, learned A.G.A. and perused the record.

The case rests on circumstantial evidence and the applicant is not named in the First Information Report. It is worth to mention that the matter has been reported by the rikshaw puller – Vaseem who did not disclose the name of the applicant at the time of lodging the First Information Report.

Further, the name of the applicant came into light only on the basis of the statement of Vaseem under Section 161 of Cr.P.C., that too after 11 days i.e. on 23.01.2005 which does not appear to be sufficient.

In the aforesaid circumstances, I think, it would just and proper to release the applicant on bail.

Let the applicant Shamshad be released on bail his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of J.M., Kashipur.

(B.C. Kandpal, J.)

21.05.2005
ASWAL